



00684.002846

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: P.S. Natividad
Kazunori IWAMOTO et al.	)	
	:	Group Art Unit: 2877
Application No.: 09/323,034	)	
	:	Confirmation No.: 8757
Filed: June 1, 1999	)	
	:	
For: SCANNING EXPOSURE METHOD AND)		
APPARATUS, AND DEVICE	:	October 27, 2003
MANUFACTURING METHOD USING	)	(Monday)
THE SAME	:	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

Applicants respectfully traverse the election of species requirement set forth in the Office Action dated September 25, 2003.

In the Office Action, the Examiner asserts that the subject application contains claims directed to two patentably distinct species of the invention. As asserted by the Examiner, Species I reads on Figure 1, namely claims 21-26 and 30-32, and Species II reads on Figure 2, namely claims 27-29 and 33.

A careful review of the subject application reveals that the various embodiments are so closely related as to not require separate fields of search. Accordingly, neither Applicants nor the

U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicants submit that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering the invention.

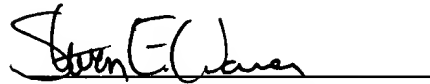
Still further, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 CFR 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

Nevertheless, in order to comply with the requirements of 37 CFR 1.146, and MPEP § 809.02(a), Applicants provisionally elect, with traverse, to prosecute the invention of Species I. Applicant submits that claims 21-26 and 30-32 read on the elected species.

Applicants further submit that the instant application is in condition for allowance. Favorable consideration and early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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